THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.21695 of 2005

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DATED: 05-10-2005

Between:

F. Tejaswitha Laxman . . .Petitioner

And

N.T.R.University of Health Sciences and another . .Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.21695 of 2005

ORDER:

The petitioner challenges the proceedings, dated 27-01-2005, issued by the first respondent. She appeared in the final year examination of M.B.B.S. in October, 2004. On the ground that the Flying Squad of the University collected some objectionable material from her, her result was withheld and proceedings were initiated. Through the impugned proceedings, the first respondent debarred the petitioner from appearing in the examination for a period of one year.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

Identical orders passed against the students, similarly situated as the petitioner, were the subject matter of Writ Appeal Nos.643 and 651 of 2005. Through its order,

dated 25-03-2005, a Division Bench of this Court took the view that once the Disciplinary Committee had recorded findings to the effect that the appellants therein did not resort to any acts of copying, there was no justification for imposing the penalty. The order of the Division Bench is said to have been upheld by the Supreme Court.

The minutes of the Disciplinary Committee, dated 17-01-2005, which dealt with the cases of as many as 24 students including the petitioner and the appellants in W.A.Nos.643 and 651 of 2005, discloses that the petitioner was found not guilty of resorting to any malpractices. Therefore, the petitioner stands on the same footing as to the appellants in the Writ Appeals.

Following the same, the writ petition is allowed and the order, dated 27-01-2005, passed against the petitioner is set aside. The respondents are directed to declare the result of the petitioner forthwith, and permit her to pursue remaining part of the course.

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(L.NARASIMHA REDDY, J)

5th OCTOBER, 2005.

Note: Issue C.C. tomorrow.

(B/o)

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